



U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
New York, New York 10007

March 24, 2025

VIA ECF

Honorable Andrew L. Carter, Jr.
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Asylum Seeker Advocacy Project v. U.S. Citizenship and Immigration Services*,
25 Civ. 2133 (ALC)

Dear Judge Carter:

I write jointly with counsel for plaintiff in this Freedom of Information Act (FOIA) case to notify the Court that the sole document requested has been released in a separate civil action and that U.S. Citizenship and Immigration Services (USCIS) issued a letter granting plaintiff's request for expedited processing. I therefore request that the Court vacate the current preliminary injunction schedule while the parties discuss next steps.

This case concerns plaintiff's February 19, 2025 FOIA request for a single document: a memorandum issued by USCIS Acting Deputy Director Andrew Davidson on February 14, 2025. Plaintiff's complaint seeks only to reverse USCIS's denial of expedited FOIA processing for that request. *See* Complaint ¶¶ 45-50, ECF No. 2.

On Friday, March 21, the government publicly filed a complete, unredacted copy of the requested document on the docket in a separate civil action. *See* Index of Exhibits for Defendants' Opposition to Plaintiffs' Motion for a Preliminary Injunction, Ex. 3, ECF No. 41-3, *Doe et al. v. Noem et al.*, 25 Civ. 10495 (D. Mass.). Earlier today, USCIS issued to plaintiff a letter dated March 24, 2025, attached as Exhibit A, indicating that plaintiff's FOIA request "has been approved for Expedited Treatment." USCIS is currently working on an expedited basis to release the document under the FOIA and intends to place it in the agency's online reading room once processing is complete.

In light of these developments, the parties respectfully request that the Court vacate the preliminary injunction briefing schedule and hearing set by the Court's March 17 order to show cause, *see* ECF No. 10, while the parties confer about next steps in this case. We respectfully propose filing a further status report by April 1, 2025.

The parties thank the Court for its consideration of this submission.

Respectfully,

MATTHEW PODOLSKY
Acting United States Attorney

By: /s/ Peter Aronoff
PETER ARONOFF
Assistant United States Attorney
86 Chambers Street, 3rd floor
New York, NY 10007
Counsel for Defendant

cc (via ECF): Counsel for plaintiff